

Message Text

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ACTION ARA-10

INFO OCT-01 ISO-00 PM-04 NSC-05 SP-02 SS-15 CIAE-00

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PC-01 L-03 H-02 DHA-02 IO-10 /075 W

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R 231420Z DEC 75

FM AMEMBASSY BRASILIA

TO SECSTATE WASHDC 3065

C O N F I D E N T I A L SECTION 1 OF 2 BRASILIA 10915

FOLLOWING RECD FM SAO PAULO DATED 21 DEC SENT ACTION BRASILIA
INFO RIO DE JANEIRO AND PORTO ALEGRE NOW BEING REPEATED FOR YOUR
ACTION:

QUOTE

SAO PAULO 2722

E.O. 11652: XGDS4

TAGS: PINS, PINT, SHUM, MILI, BR

SUBJECT: VIEWS AND OUTLOOK ON THE HERZOG INVESTIGATION

REF: (A) SIMCOX-MACK PHONECON; (B) SAO PAULO 2327

1. AS TO BE EXPECTED FROM SUCH EXERCISES, A FEDERAL INTELLIGENCE
SOURCE WE TALKED TO ABOUT THE HERZOG CASE, ON THE ONE HAND,
MAINTAINED
THAT THE EVIDENCE CULLED BY THE MILITARY BOARD OF INQUIRY CLEARLY
PROVED THAT HERZOG WAS A SUICIDE; AND THE CONSENSUS AMONG OUR HUMAN
RIGHTS AND JOURNALIST SOURCES, ON THE OTHER HAND, WAS THAT HERZOG
HAD DIED WHILE UNDERGOING TORTURE.

2. REPEATING IN ESSENCE SECOND ARMY COMMANDER GENERAL EDNARDO
D'AVILA MELO'S STATEMENT TO THE PRESS OF DECEMBER 17, THE
INTELLIGENCE
SOURCE STATED THAT THE EXTENSION WHICH THE MILITARY BOARD HAD BEEN
GRANTED WAS MERELY TO PERMIT IT TO COMPLETE ITS REPORT AND CERTAIN
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PROCEDURES. GENERAL D'AVILA WAS ALSO QUOTED AS SAYING THAT

"THE RESULTS OF THE INQUIRY WERE THE BEST ANSWER TO THOSE WHO INTRIGUE, AU

LIE, RUMOR-MONGER AND ATTEMPT TO TURN THE PEOPLE AGAINST THE ARMY"

--WHICH APPEARS TO SUGGEST WHICH WAY THE INVESTIGATION CAME OUT.

ACCORDING TO PRESS REPORTS, A 345-PAGE REPORT SIGNED BY THE PRESIDENT OF THE MILITARY BOARD OF INQUIRY, GENERAL FERNANDO CERQUEIRA LIMA, AND APPROVED BY GENERAL D'AVILA, WAS TO HAVE BEEN SUBMITTED TO THE SEGUNDA CIRCUNSCRICAO JUDICIARIO MILITAR ON DECEMBER 18, THE DAY ON WHICH OUR MEETING WITH OUR SOURCE TOOK PLACE. OUR SOURCE, WHO APPEARED

TO HAVE THE BOARD'S REPORT OR PARTS OF IT ON HIS DESK AT THE TIME OF THE INTERVIEW, QUICKLY LEAFED THROUGH IT AS HE SAID THAT THE EVIDENCE WAS ALL IN AND THAT THE VERDICT WAS SUICIDE. THEN, PERHAPS IN A REVEALING MOMENT, HE WENT ON TO STATE THAT THE ARMY KNEW HOW TO HANG TOUGH--AS OPPOSED, FOR EXAMPLE, TO THE STATE DEOPS (APPARENTLY A REFERENCE TO A DECEMBER 18 NEWS REPORT OF AN ATTEMPT ON THE PART OF A POLITICAL PRISONER NAMED HEITOR CAVACANTI FORTE TO COMMIT SUICIDE AT DEOPS; THE IMPLICATION BEING THAT THE TRUTH IN THAT CASE MIGHT EVENTUALLY EMERGE BECAUSE OF THE NOTORIOUS INTRAMURAL RIVALRIES WITHIN

DEOPS, BUT THAT THIS WOULD NEVER HAPPEN AT SECOND ARMY HQ. (BECAUSE OF THE ARMY'S INDOMITABLE UNITY).

3. IN SUPPORT OF THE CASE FOR SUICIDE, IN ADDITION TO THE MEDICAL EXAMINERS' REPORT AND THE DEOPS REPORT, IT HAS COME TO LIGHT THAT HERZOG RECENTLY HAD UNDERGONE PSYCHIATRIC TREATMENT. A KNOWLEDGEABLE LEGISLATIVE SOURCE, FOR EXAMPLE, AFFIRMED TO US THAT HERZOG HAD BEEN SEEING THE SAME PSYCHIATRIST AS MDB STATE DEPUTY ALBERTO GOLDMAN. THE STORY OF A HISTORY OF MENTAL INSTABILITY NATURALLY TENDS TO BE STRESSED BY GOVERNMENT PARTISANS, AS IT SUGGESTS A POSSIBLE LINE OF EXPLANATION FOR HERZOG'S ALLEGED SUICIDE WITHIN A MATTER OF HOURS AFTER HIS ARRIVAL AT DOI. ALSO, SEE REFTEL (B) FOR RABBI SOBEL'S SECOND-HAND TESTIMONY THAT THERE WERE NO MARKS ON THE BODY OTHER THAN THE ROPE BURN AROUND THE NECK.

4. CARDINAL ARCHBISHOP PAULO EVARISTO ARNS, ON THE OTHERHAND, CLAIMS HE HAD RECEIVED A REPORT THE DAY AFTER HERZOG'S DEATH (FROM A JOURNALIST

SOURCE WHICH HAD COME VIA A MISTRESS OF HERZOG'S PRINCIPAL TORTURER) THAT HERZOG HAD BEEN KILLED AS A RESULT OF THE TORTURE HE HAD
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SUFFERED. MOREOVER, SENATOR MAGALHAES PINTO HAD CONFIDED TO ARNS THAT HE (AND PRESUMABLY PRESIDENT GEISEL AS WELL) HAD RECEIVED SIMILAR REPORTS AS TO THE CAUSE OF DEATH. ARNS' IMPORTANT STATEMENT IS BEING POUCHED TODAY.

5. WHILE NEARLY UNANIMOUS IN THEIR CONTENTION THAT HERZOG HAD NOT COMMITTED SUICIDE, THERE HAS BEEN CONFLICTING SPECULATION AMONG OUR JOURNALIST SOURCES AS TO THE MANNER IN WHICH HERZOG WAS KILLED AND

THE PRECISE CAUSE OF DEATH. (SOME WOULD MAINTAIN, WITH A CERTAIN SENSE OF LOGIC, THAT IT DOESN'T MAKE MUCH DIFFERENCE. IF HE COMMITTED SUICIDE, IT WAS UNDER THE DURESS OF THE TORTURE HE HAD RECEIVED. EITHER WAY, THE ARMY IS RESPONSIBLE.) SOME REPORTERS SAY THAT HE HAD A HEART CONDITION AND THAT THE TORTURE HE UNDERWENT PRECIPITATED A CORONARY ATTACK. OTHER JOURNALIST SOURCES SPECULATE THAT HERZOG'S TORMENTORS KILLED HIM IN A RAGE WHEN HE REFUSED TO SIGN (AND/OR CRUMPLED UP OR TORE UP) THE CONFESSION WHICH HAD BEEN PREPARED FOR HIM. JONATHAN KANDELL OF THE NEW YORK "TIMES" HAS A REPORT THAT HERZOG WAS CHOKED TO DEATH BY HIS TORTURER.

6. THERE IS ANOTHER STORY WE HAVE HEARD WHICH WE REGARD AS POSSIBLY CONSTITUTING SIGNIFICANT SUPPORT FOR THE THESIS THAT HERZOG DIED WHILE UNDERGOING TORTURE. (BECAUSE OF THE IMMEDIATE JEOPARDY IN WHICH THE TWO NEWSMEN INVOLVED WOULD BE PLACED IF THE FOLLOWING REPORT WERE TO REACH THE BRAZILIAN SECURITY SERVICES, THE EMBASSY AND OTHER INFO RECIPIENTS ARE REQUESTED TO EXERCISE SPECIAL CAUTION IN PROTECTING THE INFORMATION.) ON THE EVENING OF HIS RELEASE FROM DOI, RODOLFO KONDER, THE INTERNATIONAL EDITOR OF THE "VISAO" MAGAZINE, CONFIDED TO A CLOSE PERSONAL FRIEND THAT HE AND ANOTHER JOURNALIST THEN UNDER DETENTION AT DOI, GEORGE DUQUE ESTRADA, A COMPOSING EDITOR FOR "O ESTADO", WERE IN A CELL NEXT TO THE ROOM IN WHICH HERZOG WAS UNDERGOING INTERROGATION. KONDER AND ESTRADA WERE BROUGHT IN ONCE, PERHAPS EVEN TWICE, TO TRY TO CONVINCE HERZOG TO ADMIT HIS GUILT (PRECISELY WHAT HERZOG WAS "GUILTY" OF WAS NOT MADE CLEAR TO OUR SOURCE, BUT PRESUMABLY IT HAD TO DO WITH SOME DEGREE OF ASSOCIATION WITH COMMUNIST PARTY ACTIVITIES). THE TWO NEWSMEN TOLD HERZOG THAT THEY HAD ALREADY CONFESSED AND THAT THERE WAS NO REASON ON HIS PART TO CONTINUE HOLDING OUT. RETURNED TO THEIR CELL NEXT DOOR, THEY THEREUPON BEGAN TO HEAR TERRIBLE SCREAMING FROM HERZOG. SUDDENLY, THERE WAS SILENCE. KONDER WAS CERTAIN THAT THAT WAS THE MOMENT THAT HERZOG HAD BEEN KILLED.

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ACTION ARA-10

INFO OCT-01 ISO-00 PM-04 NSC-05 SP-02 SS-15 CIAE-00

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TO SECSTATE WASHDC 3066

C O N F I D E N T I A L SECTION 2 OF 2 BRASILIA 10915

7. NONE OF OUR HUMAN RIGHTS SOURCES CONTACTED PLACE ANY STOCK IN THE DEOPS POLICE REPORT THAT THE MEDICAL EXAMINERS' REPORT THE UNEXPURGATED TEXT OR AT LEAST A SUBSTANTIAL PORTION OF WHICH WERE PROMINENTLY DISPLAYED IN THE NOVEMBER ISSUE OF "EX" ("EX-16"). THE PRESIDENT OF THE SAO PAULO ARCHDIOCESES PEACE AND JUSTICE COMMITTEE, DR. DALMO DALLARI, WHO IS A PROMINENT LAWYER AND USP LAW FACULTY POLITICAL SCIENCE PROFESSOR, DISMISSED THE CORONERS' REPORT ON THE GROUNDS THAT IT WAS WELL KNOWN THAT THE MEDICAL EXAMINERS IN THE CASE WERE ON THE SECURITY SERVICES' PAYROLL AND THAT THEY HAD FALSIFIED DEATH CERTIFICATES FOR THE ARMY OR POLICE BEFORE. (WE HAVE NOTED SOME APPARENT DISCREPANCIES IN OUR READING OF THE CORONERS' AND POLICE REPORTS; AND OF COURSE THERE IS THE FACT THAT THE AUTHORITIES REFUSED TO ALLOW THE FAMILY TO PERFORM ITS OWN AUTOPSY). DALLARI, CARDINAL ARNS AND SAO PAULO JOURNALIST UNION PRESIDENT AUDALIO DANTAS ALL BELIEVE THAT GENERAL CERQUEIRA LIMA IS AN HONORABLE MAN WHO, IF HE HAD HAD HIS WAY, WOULD HAVE DONE A CREDITABLE JOB IN INVESTIGATING HERZOG'S DEATH. HOWEVER, ALL THREE SOURCES WERE HIGHLY CRITICAL OF THE CIVILIAN MEMBER ASSIGNED TO THE BOARD AS LEGAL ADVISOR, DR. AYRTON DE MOURA ARAUJO, WHO ALLEGEDLY HAD A SINISTER RECORD AS A HARD-NOSED PROSECUTOR IN NATIONAL SECURITY CASES (HAVING DEMANDED THE DEATH PENALTY FOR STUDENTS INVOLVED IN SUBVERSIVE MOVEMENTS). AT BEST, DANTAS THOUGHT THE INQUIRY MIGHT RESULT IN SOME QUIET HOUSECLEANING AT DOI AND SECOND ARMY HQ. NONE OF THESE SOURCES WAS HOPEFUL THAT THE BOARD PUBLICLY ADMIT THAT HERZOG

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HAD BEEN KILLED AS A RESULT OF TORTURE. ON THE LATTER POINT, THE HARDLINERS AND THE CIVIL LIBERTARIANS WOULD APPEAR TO AGREE

8. WE BELIEVE THAT NO FURTHER MASSIVE ARRESTS HAVE TAKEN PLACE IN SAO PAULO (AS OPPOSED TO SANTA CATARINA FOR EXAMPLE) SINCE HERZOG'S DEATH. THIS BELIEF COINCIDES WITH SENATOR FRANCO MONTOR'S INFORMATION AS WELL. NOR HAVE WE BEEN ABLE TO PIN DOWN ANY FURTHER REPORTS OF TORTURE AT DOI. CARDINAL ARNS' TOLD US THAT TORTURE AT DOI ABRUPTLY STOPPED FOLLOWING HERZOG'S DEATH. (THAT THERE HAVE BEEN NO FURTHER SUCH REPORTS HAS NOT BEEN CROSS-CHECKED WITH THE PEACE AND JUSTICE COMMITTEE FOR AN UP-TO-DATE OPINION.) THE CARDINAL IS UNCLEAR WHETHER THE NEW EVIDENCE OF RESTRAINT IS A SIGN OF PRESIDENT GEISEL'S RENEWED VIGOR IN ATTEMPTING TO REIN IN THE SECURITY SERVICES OR MERELY A TACTICAL MOVE AUTONOMOUSLY ADOPTED BY "THE SYSTEM". ARNS WOULD LIKE TO BELIEVE THAT THE FORMER IS THE CASE. IF THERE IS ANY VALIDITY TO THE GEISEL ASCENDANCY THESIS, THEN ONE MIGHT EXPECT A TRUE HOUSECLEANING AT SECOND ARMY HEADQUARTERS

(AS OPPOSED TO MERELY SUBSTITUTING HERZOG'S DETACHMENT OF TORTURERS WITH A NEW BAND) AND A PERMANENT END TO THE TORTURE AT DOI. (AN OPEN COURT MARTIAL FOR THE TOP OFFICERS PROBABLY WOULD BE TOO MUCH TO EXPECT, EVEN IN THE BEST OF CASES.) HOWEVER, ON THE BASIS OF THE INFORMATION AT OUR DISPOSAL, WE BELIEVE THAT THE SECURITY ORGANS HAVE NOT BEEN REINED IN. WE BELIEVE THAT THE HARDLINERS' AND CIVIL LIBERTARIANS' ESTIMATES OF THE SITUATION IN PARA 7 ABOVE WILL PROVE TO BE CORRECT.

CHAPIN UNQUOTE
CRIMMINS

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